IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5209 OF 2006
IN
FIRST APPEAL ST.NO.289991 OF 2006

M/s.N.G. Techno Works ..Applicant

V/s.

Pankaj Chabildas Sheth and ors. ..Respondents

Mr.K.B.Sonwalkar, Advocate for the Applicant
Mr.Harnam Singh Khalsa & A.K.Saxena for the Respondent No.1

CORAM : A.S.OKA, J.

DATE : JANUARY 19, 2007

P.C.

1. Heard advocate for the Applicant. Application is strongly opposed by the advocate for the Respondent No.1 by pointing out that there is no justification for delay. Considering averments made in the application, sufficient cause is made out for condonation of delay. However, the first Respondent will have to be compensated by payment of cost as delay is of more than 400 days. Hence, I pass following order.

O R D E R

I. Rule is made absolute in terms of prayer clause (a) subject to Applicant paying cost of Rs.5000/- to the first Respondent within a period of four weeks from today.

II. Payment of cost will be condition precedent depositing of the amount of cost in this Court within a stipulated time will be treated as substantial compliance.

III. Place the Appeal for admission on 27th February, 2007. The Appeal will be placed on board only if amount of cost is deposited.

(A.S.OKA, J.)